
OLR Bill Analysis

sHB 6385

AN ACT PROHIBITING THE USE OF PESTICIDES AT PUBLIC SCHOOLS.

SUMMARY:

This bill (1) bans the application of pesticides in, or on the grounds of, public and private schools and (2) expands an existing ban on the application of lawn care pesticides on the grounds of public and private schools to cover high schools. Current law bans lawn care pesticide use at schools with children in grade eight or lower. The bill maintains an existing exception for emergency applications to eliminate threats to human health.

The bill also requires districts to (1) establish policies emergency applications and provide a statement of the policy to all staff and parents and (2) notify staff and parents in advance of any emergency application if they request it.

The bill changes the definition of integrated pest management (IPM) from one that uses all available pest control techniques, including a judicious use of pesticides, to one that does not allow use of pesticides. It requires each local or regional board of education to develop and implement an IPM plan by July 1, 2013 that is consistent with an applicable plan provided by the energy and environmental protection commissioner under state law. The bill continues to require all boards to give staff guidelines on implementing the plan and parents a summary of the plan.

The bill requires the existing indoor air quality inspection and evaluation program, which is required every five years for every school building, to address specifics regarding pesticide use. Current law requires the program to review, inspect, and evaluate the degree of pesticide usage. The bill instead requires the program to review,

inspect and evaluate the IPM plan, the emergency application policy, and the number of emergency applications made during the previous five years.

The bill also no longer applies the definition of pesticides in the education statutes to the statutes regarding day care centers.

It also makes conforming changes.

EFFECTIVE DATE: July 1, 2013

BAN ON PESTICIDE APPLICATIONS

Definitions

Under the bill and current law:

1. “pesticide” means a fungicide used on plants, an insecticide, a herbicide or a rodenticide, but does not mean a sanitizer, disinfectant, antimicrobial agent, or pesticide bait;
2. “lawn care pesticide” means a pesticide registered by the U.S. Environmental Protection Agency and labeled under the federal Insecticide, Fungicide and Rodenticide Act for use in lawn, garden, and ornamental sites or areas; and
3. “school” means (a) a public school, other than a regional agricultural science and technology education center or (b) a private school.

Pesticides

The bill bans the application of pesticides on the grounds or in public and private schools. Under current law, such applications could be performed only by a pesticide applicator with supervisory state certification or a pesticide applicator with operational state certification under the direct supervision of a supervisory pesticide applicator. Under current law, this applicator qualification could be waived in an emergency.

Lawn Care Pesticides

The bill expands the existing ban on lawn care pesticide applications

to include public or private high schools. Currently, it applies to public or private schools with grades eight and lower.

Authority for Exceptions to Ban

As under current law, the bill maintains the exceptions to the pesticide and lawn care pesticide bans if a threat to human health is determined by:

1. the local health director;
2. the public health commissioner;
3. the energy and environmental protection commissioner; or
4. in the case of a public school, the school superintendent.

EMERGENCY APPLICATIONS

Conditions for Emergency Applications

The bill establishes a number of conditions for emergency applications. Under the bill, “emergency pesticide applications” means the application of pesticide or lawn care pesticide to eliminate a threat to human health, as determined in accordance with the bill.

It bans emergency pesticide applications in any building or on the grounds of any school during regular school hours or during any planned activities at the school, except that an emergency application may be made to eliminate an immediate threat to human health if (1) it is necessary to do so at that time and (2) the application does not involve a restricted-use pesticide as defined in state law.

No child may enter an area where the emergency application has been made until it is safe to do so according to the directions on the pesticide label.

Also, as with the existing law, an emergency application can only be made by a pesticide applicator with supervisory state certification or a pesticide applicator with operational state certification under the direct supervision of a supervisory pesticide applicator. This can be waived if the threat to human health is immediate and it is impractical to obtain

the services of a certified applicator as long as the emergency application does not involve a restricted-use pesticide.

Emergency Application Notice

The bill requires the local or regional board of education to provide notice by any practical means on or before the day of an emergency application to anyone who has requested prior notice. The board may make an emergency application without prior notice if there is an immediate threat to human health, but all districts must develop a written statement of the board's emergency application policy and provide staff and parents the opportunity to register for prior notification of applications.

Emergency Application Plan and Notice Registry

Under current law, school districts that do not have an IPM plan must:

1. develop a pesticide application policy,
2. distribute a statement on the policy to parents of students and school staff,
3. provide a description of pesticide applications in the previous year,
4. maintain a registry of persons requesting a prior notice of pesticide applications in their school, and
5. mail a notice of upcoming applications to those on the registry no later than 24 hours before the pesticide application.

The bill instead requires all districts to develop an emergency pesticide application policy and take the aforementioned steps for emergency applications.

Current law requires the notice to include the:

1. name of the active ingredient of the pesticide being applied;
2. target pest;
3. location of the emergency pesticide application on the school

property;

4. date of the pesticide application; and
5. name of the school administrator, or a designee, who can be contacted for further information.

The bill instead requires all these steps to be taken for emergency applications, and adds the name of the active ingredient of the lawn care pesticide to the notice requirement.

BACKGROUND

Related Bills

SB 917 (File 47), reported favorably by the Environment Committee, exempts certain products, including microbial or biochemical pesticides, from the current lawn care pesticide ban, thus allowing their use on the grounds of schools and preschools.

SB 981 (File 196), reported favorably by the Children Committee, expands the ban on the use of lawn care pesticides in schools to include schools with students in grades nine to 12.

COMMITTEE ACTION

Education Committee

Joint Favorable

Yea 27 Nay 7 (03/13/2013)